

REMARKS

Upon entry of the instant amendment, claims 1, 2, 8, 9, 10, 11, 12, 13, and 29 are pending. Claims 1 and 29 have been amended. It is respectfully submitted that the Claims, as amended, define patentable subject matter over the references of record. Accordingly, it is respectfully submitted that the application is in condition for allowance.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102

Claims 1, 2, 8, 9, 11 and 13 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Bennett, et al., U.S. Patent No. 6,633,846 ("the Bennett patent"). In order for there to be anticipation, each and every one of the elements must be found in a single reference. It is respectfully submitted that the claims recite elements clearly not disclosed or suggested by the Bennett patent. For example, the claims recite an input/output device for receiving voice inputs and converting those inputs to a first data stream and transmitting the first data stream to text by way of a voice recognition system, located at the remote server. The Bennett patent does not disclose or suggest such architecture. As such, there can be no anticipation.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Claims 10 and 12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the Bennett et al. patent in view of "Official Notice". In order for the Examiner to establish a prima facie case of obviousness, three criteria must be met as set forth in MPEP § 2143.

"First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. Second, there must be some reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the Applicant's disclosure."

As discussed above, none of the references disclose or suggest a client server system in which the voice recognition software is disposed in the server as recited in the claims at issue.

Thus, it is respectfully submitted that the Examiner has failed to make out a *prima facie* case of obviousness. More particularly, as set forth above, the system in the Bennett, et al. patent discloses a system in which the voice processing is done by the client device. Such speech processing is highly computational intensive. Although the Bennett, et al. system purports to have real time performance, such real time performance could only be provided with a relatively expensive processor in order to achieve such real time performance and still handle the computational intensive processing required for speech recognition. (... the system achieves a real time performance that is believed to be highly optimized, because other latencies (i.e., client side computational latencies, packet formation latencies, transmission latencies are minimized). Bennett, et al., U.S. Patent No. 6,633,846, column 23, lines 1-4)).

The system recited in the claims at issue eliminates the need for an expensive processor for the client side device by simply utilizing the client device to convert the voice data to a first data stream, for example, a simple analog to digital conversion. The first data stream is then transmitted by the hand-held device to a remote server system which has a relatively powerful microprocessor for handling the speech recognition computation in a very efficient manner to enable a remote data base to be accessed and data to be returned to the hand-held device virtually in real time. The Bennett patent does not disclose or suggest an architecture which allows a relatively inexpensive client device, such as a PDA, to be used to access data from a remote data base as in the claims recited in the claims at issue. Moreover, the Bennett patent does not disclose a simple method for writing prescriptions or accessing patent information, as the system recited in the claims at issue. Accordingly, it is respectfully submitted that the claims, as amended, recite patentable subject matter over the references cited. The Examiner is respectfully requested to reconsider and withdraw the rejection of these claims.

For all the above reasons, the Examiner is respectfully requested to reconsider and withdraw the rejections of the claims.

Respectfully submitted,

KATTEN MUCHIN ROSENMAN LLP

By: *John S. Paniaguas*
John S. Paniaguas
Registration No. 31,051
Attorney for Applicant

Katten Muchin Rosenman LLP
525 W. Monroe Street
Chicago, Illinois 60661-3693
312.902.5200 - telephone
312.902.1061 - facsimile
Customer No. 27160